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(YOR.480)

### **REMARKS**

Claims 1-4, 6-13, and 15-23 are all of the claims presently pending in the application. Applicants have canceled claims 24 and 25 without prejudice or disclaimer. Applicants have amended claims the claims to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 17-23 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 3, 8, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek (WO 00/28467) in view of Liu (U.S. Patent No. 6,970,860). Claims 2, 4, 6, 7, 9, 15-17, 20, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Liu and Sakoe (U.S. Patent No. 4,479,236). Claims 10-12, 18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Sakoe. Claims 13 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Sakoe and Liu.

Applicants respectfully traverse these rejections in the following discussion.

#### **I. THE STATUTORY SUBJECT MATTER REJECTION**

The Examiner has rejected claims 17-23 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleges that the language “signal-bearing medium”, recited in claims 17-20, is directed to non-statutory subject matter

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and that the subject matter of claims 12-23 does not reside on a computer-readable medium.

While Applicants disagree with the Examiner's position, merely in an effort to speed prosecution, Applicants have amended claims 17-23 to define the subject matter of the claimed invention more clearly.

Specifically, in claims 17-20, Applicants have replaced the phrase "signal-bearing medium" with the phrase "computer-readable medium." Furthermore, Applicants have amended claims 21-23 to recite that the claimed code resides on a computer-readable medium, as suggested by the Examiner.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **III. THE PRIOR ART REFERENCES**

The Examiner alleges that one of ordinary skill in the art would have combined Paek with Liu to teach the claimed invention of claims 1, 3, 8, 24, and 25. Furthermore, the Examiner alleges that one of ordinary skill in the art would have combined Sakoe with Paek and Liu to teach the claimed invention of claims 2, 4, 6, 7, 9, 15-17, 20, and 23. Still further, the Examiner alleges that one of ordinary skill in the art would have combined Paek with Sakoe to teach the claimed invention of claims 10-12, 18, 21, and 22. Finally, the Examiner alleges that one of ordinary skill in the art would have combined Paek with Sakoe and Liu to teach the claimed invention of claims 13 and 19. Applicants submit, however, that, even if combined, the alleged combinations of references would not teach or suggest each and every feature of the claimed invention.

That is, the alleged combinations of references do not teach or suggest, "*an image*

*processing device that processes the image and recognizes a correspondence between said plurality of descriptors and said plurality of image regions, said image regions defining a second content granularity; and a descriptor propagation device that propagates said plurality of descriptors to the second content granularity that is finer than the first content granularity, and wherein the descriptor propagation device propagates the first descriptor without prior data regarding the first descriptor at the second granularity and without manual user intervention”, as recited in exemplary claim 1 and as somewhat similarly recited in exemplary claims 4, 8, 10, 12, 16-18, and 20-23.*

In the claimed invention, the system accepts a content (e.g., an image) including one or more descriptors (e.g., annotations) (e.g., see Figure 4). As illustrated in Figure 4, the descriptors are provided at a first, coarse, granularity. The content (e.g., image) includes a plurality of regions (e.g., the face, microphone, phone, etc. illustrated in Figures 3-5).

The system, without any manual user intervention and without any prior knowledge of the second, finer, granularity, propagates the descriptors to the appropriate regions of the image, which are at the second granularity (e.g., see Figure 5). The system processes/analyzes the image and the descriptors, determines a correspondence between the descriptors and the appropriate region of the image, and then propagates the descriptor to that region (e.g., the second granularity).

The applied references do not teach or suggest the above features of the claimed invention.

The Examiner alleges that Paek teaches these features of the claimed invention. The Examiner, however, is clearly incorrect.

That is, Paek discloses a system for describing image content in image description

records. Paek receives an image, which includes image information, and extracts the image information to create image description records. The image description records include object hierarchies (Figure 1B) and entity-relation graphs (Figure 1C).

Paek, however, does not analyze a plurality of descriptors to determine their corresponding regions on an image and then assign the descriptors to the corresponding regions. Instead, Paek discloses extracting information from an image and using the image to create object hierarchies (Figure 1B) and entity-relation graphs (Figure 1C).

The extracted information, however, is not annotated onto regions of the original image. Indeed, Paek does not teach or suggest assigning annotations to an image let alone teach or suggest accepting an image having annotations and assigning the annotations to regions on the image.

Furthermore, Liu and Sakoe fail to make up the deficiencies of Paek.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

### **III. FORMAL MATTERS AND CONCLUSION**

In rejecting, for example, claims 10-12, 18, 21, and 22, the Examiner states, “see the rationale for claims 1 and 4.” (See Office Action dated September 16, 2008 at page 6). The Examiner rejected claims 10-12, 18, 21, and 22 based on an alleged combination of Paek and Sakoe. The Examiner rejected claims 1 and 4, however, on an alleged combination of Paek and Liu. Accordingly, the rationale for rejecting the claims cannot be the same, as the

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references used to reject the claims are different.

Therefore, the Examiner has clearly failed to establish a *prima facie* case of obviousness at least with respect to claims 10-12, 18, 21, and 22. If the Examiner wishes to maintain this rejection, then the Examiner must specifically set forth how the combination of Paek and Sakoe addresses each limitation recited in exemplary claims 10-12, 18, 21, and 22.

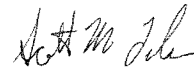
In view of the foregoing, Applicants submit that claims 1-4, 6-13 and 15-23, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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